

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

NEPTUNE TECHNOLOGIES &  
BIORESSOURCES, INC. and  
L'UNIVERSITÉ DE SHERBROOKE,

Plaintiffs,

v.

AKER BIOMARINE ANTARCTIC AS  
AKER BIOMARINE ASA,  
JEDWARDS INTERNATIONAL, INC. and  
VIRGIN ANTARCTIC LLC,

Defendants.

Case No. 1:09-cv-11946-MLW

**EXHIBITS A, B, C, E and F FILED  
UNDER SEAL**

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AKER BIOMARINE ANTARCTIC AS,  
JEDWARDS INTERNATIONAL, INC. and  
VIRGIN ANTARCTIC LLC,

Counterclaim Plaintiffs,

v.

NEPTUNE TECHNOLOGIES &  
BIORESSOURCES, INC. and  
L'UNIVERSITÉ DE SHERBROOKE,

Counterclaim Defendants.

**DECLARATION OF MATTHEW J. SHIELS IN SUPPORT OF AKBM ANTARCTIC'S  
REPLY MEMORANDUM IN SUPPORT OF ITS RENEWED MOTION FOR  
SUMMARY JUDGMENT OF NON-INFRINGEMENT**

I, Matthew J. Shiels, declare as follows:

1. I am a member of the state bar of Illinois and have been admitted *pro hac vice* in the District of Massachusetts. I work at in the Chicago office of the law firm of Kirkland & Ellis LLP, and I represent the Defendants and Counterclaim Plaintiffs in the above-captioned case.

2. I am familiar with the documents filed with the Court in this litigation, the Court's orders, and the documents and correspondence that have been served and produced in this case.

3. I have personal knowledge of the facts stated in this Declaration.

4. Attached hereto as Exhibit A is a true and accurate copy of excerpts from the August 27, 2010 transcript Anne Grethe Gustavsen. Exhibit A contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

5. Attached hereto as Exhibit B is a true and accurate copy of excerpts from the transcript of the August 26, 2010 deposition of Svein Ivar Holm. Exhibit B contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

6. Attached hereto as Exhibit C is a true and accurate copy of excerpts from the transcript of the November 9, 2010 deposition of Dr. Bradley Moore. Exhibit C contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

7. Attached hereto as Exhibit D is a true and accurate copy of the Notice of Deposition of Dr. Yesu Das, dated October 5, 2010.

8. Attached hereto as Exhibit E is a true and accurate copy of excerpts from the transcript of the November 9, 2010 deposition of Dr. Bradley Moore. Exhibit E contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

9. Attached hereto as Exhibit F is a true and accurate copy of the transcript of the January 14, 2011 deposition of Marie-Eve Gauthier. Exhibit F contains confidential information and is being filed under seal. A public, redacted version is being filed as well.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed: January 21, 2011

/s/ Matthew J. Shiels  
Matthew J. Shiels

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2011, a true and correct copy of the foregoing **DECLARATION OF MATTHEW J. SHIELS IN SUPPORT OF AKBM ANTARCTIC'S REPLY MEMORANDUM IN SUPPORT OF ITS RENEWED MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on January 21, 2011.

/s/ Matthew J. Shiels